

Phillip E. Benson, CA Bar #97420  
 WARREN ■ BENSON Law Group  
 620 Newport Center Dr., Ste 1100  
 Newport Beach, CA 92660  
 Tel: 949-721-6636; Fax: 952-955-5177  
[philbenson@warrenbensonlaw.com](mailto:philbenson@warrenbensonlaw.com)

Donald R. Warren, CA Bar #138933  
 WARREN ■ BENSON Law Group  
 7825 Fay Ave, Ste 200  
 La Jolla, CA 92037  
 Tel: 858-456-1900; Fax: 858-454-5878  
[donwarren@warrenbensonlaw.com](mailto:donwarren@warrenbensonlaw.com)

David B. Ketrosor, M.D., MN Bar # 0298803  
 P.O. Box 427  
 Hopkins, MN 55343  
 Tel: 612-384-3286; Fax: 952-681-3286  
[bakquak@comcast.net](mailto:bakquak@comcast.net)

Attorneys for *Qui Tam* Plaintiffs  
 Doris Modglin and Russ Milko

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, the  
 STATES OF CALIFORNIA, COLORADO,  
 CONNECTICUT, DELAWARE, FLORIDA,  
 GEORGIA, HAWAII, ILLINOIS, INDIANA,  
 IOWA, LOUISIANA(Medical Assistance  
 Programs), MASSACHUSETTS,  
 MICHIGAN, MINNESOTA, MONTANA,  
 NEVADA, NEW JERSEY, NEW MEXICO,  
 NEW YORK, NORTH CAROLINA,  
 OKLAHOMA, RHODE ISLAND,  
 TENNESSEE, TEXAS, VIRGINIA,  
 WISCONSIN and the DISTRICT OF  
 COLUMBIA *ex rel.* Doris Modglin and Russ  
 Milko,

Plaintiffs,

vs.

DJO GLOBAL INC., DJO LLC, DJO  
 FINANCE LLC, ORTHOFIX, INC.,  
 BIOMET, INC., and EBI, LP,

Defendants.

Case No. CV12-7152-MMM (JCGx)


**[Proposed] ORDER DISMISSING  
 ACTION AGAINST DEFENDANT  
 ORTHOFIX WITHOUT PREJUDICE**

**ORDER**

Upon consideration of the *qui tam* plaintiffs' Request for Dismissal Without Prejudice as to defendant Orthofix, Inc., with the consent of the United States, the above listed States and the District of Columbia, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and 31 U.S.C. § 3730(b)(1),

**IT IS ORDERED** that the Court consents to the dismissal of the action against defendant Orthofix without prejudice and dismisses the action against defendant Orthofix without prejudice.

Dated: October 3, 2013

  
Honorable Margaret M. Morrow  
United States District Judge